

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

MASSACHUSETTS DEVELOPMENT)	
FINANCE AGENCY)	
Plaintiff)	
)	
v.)	
)	
ADP MARSHALL, INC., a FLUOR)	
DANIEL COMPANY, and FIREMAN'S)	
FUND INSURANCE COMPANY)	
Defendants)	
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ADP MARSHALL, INC.)	
Plaintiff in Counterclaim)	
)	
v.)	
)	
MASSACHUSETTS DEVELOPMENT)	
FINANCE AGENCY)	
Defendant in Counterclaim)	
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ADP Marshall, Inc.)	
Third Party Plaintiff)	
)	
v.)	
ALLIED CONSULTING ENGINEERING)	
SERVICES, INC. ANDOVER)	
CONTROLS)	
CORPORATION, R & R WINDOW)	
CONTRACTORS, INC., AND DELTA)	
KEYSPAN, INC. N/K/A DELTA)	
KEYSPAN, LLC, MADDISON)	
ASSOCIATES, INC., UNITED STATES)	
FIDELITY AND GUARANTY COMPANY)	
FIDELITY AND DEPOSIT COMPANY)	
OF MARYLAND, NATIONAL GRANGE)	
MUTUAL INSURANCE COMPANY,)	
TRAVELERS CASUALTY AND SURETY)	
COMPANY OF AMERICA, AMERICAN)	
HOME ASSURANCE COMPANY,)	
HARTFORD ROOFING COMPANY,)	
INC., and SPAGNOLO/GISNESS &)	
ASSOCIATES, INC.)	
Third Party Defendants.)	
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C.A. No.: CV 10203 PBS

**PLAINTIFF'S, MASSACHUSETTS DEVELOPMENT FINANCE AGENCY'S,
MOTION FOR LEAVE TO FILE BRIEF IN EXCESS OF TWENTY PAGES**

Now Comes the Plaintiff, Massachusetts Development Finance Agency (hereinafter "MDFA"), and hereby moves this Honorable Court for leave to file a brief, in excess of twenty (20) pages, in Opposition to Defendants', ADP Marshall Inc.'s and Fireman's Fund Insurance Company's (collectively referred to as "ADP") Motion for Summary Judgment. As grounds therefor MDFA states the following:

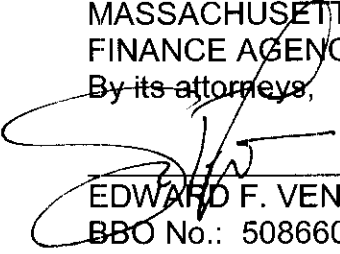
MDFA filed its complaint in Suffolk County Superior Court asserting breach of contract, violation of c. 93A, negligence and a claim on the performance bond of ADP. On January 28, 2004, ADP removed this matter to the United States District Court. On November 30, 2004, ADP filed its Motion for Summary Judgment requesting this Honorable Court dismiss MDFA's claims.

In order to reasonably address all the issues raised by ADP, MDFA respectfully requests leave to file its opposition brief in excess of twenty (20) pages. MDFA asserts that it is reasonably necessary to exceed the twenty page limit and to set forth MDFA's multiple legal arguments in opposition to summary judgment as well as a statement of the factual background. In order to present these arguments properly, MDFA required more than twenty pages in their brief in opposition to summary judgment. Further, MDFA submits that in the interests of justice it be allowed to respond to matters set forth in ADP's brief that are

critical to MDFA. MDFA further states that no party will be unfairly prejudiced by the allowance of this motion.

WHEREFORE, MDFA respectfully requests this Honorable Court grant MDFA leave to file a brief, in excess of twenty (20) pages, in Opposition to Defendant's, ADP's, Motion for Summary Judgment.

Respectfully Submitted,
MASSACHUSETTS DEVELOPMENT
FINANCE AGENCY
By its attorneys,



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Date: January 14, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by hand on

Jan 14, 2005